

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:14-CV-367-H

CERTAIN UNDERWRITERS AT)
LLOYD'S, LONDON subscribing)
to POLICY NOS. TCNR001338,)
TCNR005665 and TCNR012269,)

Plaintiffs,)

v.)

CARLOS O. GARCIA, CNNC, STOCK)
BUILDING SUPPLY, LLC, and NEW)
BERN RIVERFRONT DEVELOPMENT,)
LLC,)

Defendants and)
Counterclaimant.)

ORDER

STOCK BUILDING SUPPLY, LLC,)
Defendant and Third-)
Party Plaintiff,)

v.)

WOOMER INSURANCE GROUP, INC.,)
Third-Party Defendant.)

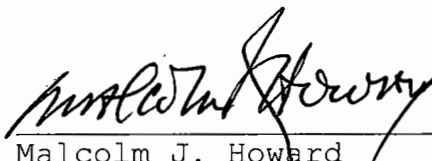
This matter is before the court on defendant and third party-plaintiff Stock Building Supply, LLC's ("Stock Building") motion to lift the stay in this matter. On August 20, 2015, this court stayed this matter pending the outcome of the appeal of the federal bankruptcy court's orders in the In Re New Bern Riverfront Development, LLC v. Weaver Cooke Construction, LLC, et al., Case No. 09-10340-8-JRL ("Underlying Lawsuit"). The parties were directed to promptly notify the court by filing when there was resolution in the pending appeals which makes the stay of this case no longer necessary and practical.

Stock Building filed a Notice of dismissal of the pending appeal with a request to lift the stay, noting the stay is no longer necessary or practical. Plaintiff CERTAIN UNDERWRITERS AT LLOYD'S, LONDON subscribing to POLICY NOS. TCNR001338, TCNR005665 and TCNR012269 responded opposing the lift of the stay. Stock Building has replied.

Having reviewed the matter carefully, the court finds the reasons for the stay no longer exist, and therefore the STAY IS HEREBY LIFTED. The clerk is directed to refer this matter to United States Magistrate Judge Robert B. Jones, Jr. to hold a status conference in this matter, to enter a scheduling order,

and to enter such other pretrial orders as deemed necessary for the efficient administration of this matter.

This 24th day of ~~November~~ ^{Dec} 2017.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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